

1 HOUSE BILL NO. 78

2 INTRODUCED BY E. CLARK

3 BY REQUEST OF THE STATE ADMINISTRATION, PUBLIC RETIREMENT SYSTEMS, AND VETERANS'

4 AFFAIRS INTERIM COMMITTEE

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING AND REVISING PROVISIONS RELATED TO
7 SPECIAL AND PERSONALIZED MILITARY LICENSE PLATES FOR DISABLED VETERANS AND VETERANS
8 WHO HAVE BEEN AWARDED THE PURPLE HEART; AND AMENDING SECTIONS 61-3-332 AND 61-3-453,
9 MCA."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12
13 **Section 1.** Section 61-3-332, MCA, is amended to read:

14 **"61-3-332. Number plates.** (1) A motor vehicle that is driven upon the streets or highways of
15 Montana must display both front and rear number plates, bearing the distinctive number assigned to the
16 vehicle. The number plates are in 10 series: one series for owners of motorcars, one for owners of motor
17 vehicles of the motorcycle or quadricycle type, one for trailers, one for trucks, one for dealers in vehicles
18 of the motorcycle or quadricycle type that bears the distinctive letters "MCD" or the letters "MC" and the
19 word "DEALER", one for franchised dealers in new motorcars (including trucks and trailers) or new and
20 used motorcars (including trucks and trailers) that bears the distinctive letter "D" or the word "DEALER",
21 one for dealers in used motorcars only (including used trucks and trailers) that bears the distinctive letters
22 "UD" or the letter "U" and the word "DEALER", one for dealers in trailers and/or semitrailers (new or used)
23 that bears the distinctive letters "DTR" or the letters "TR" and the word "DEALER", one for dealers in
24 recreational vehicles that bears the distinctive letters "RV" or the letter "R" and the word "DEALER", and
25 one for special license plates. All markings for the various kinds of dealers' plates must be placed on the
26 number plates assigned to the dealer, in the position that the department designates.

27 (2) (a) All number plates for motor vehicles must be issued for a maximum period of 4 years, bear
28 a distinctive marking, and be furnished by the state. In years when number plates are not issued, the
29 department shall provide nonremovable stickers bearing appropriate registration numbers that must be
30 affixed to the license plates in use.

(b) For light vehicles that are permanently registered as provided in 61-3-527 or 61-3-562, the department shall provide distinctive nonremovable stickers indicating that the vehicle is permanently registered. The stickers must be affixed to the license plates in use.

(3) (a) Subject to the provisions of this section, the department shall create a new design for number plates as provided in this section, and it shall manufacture the newly designed number plates for issuance after December 31, 1999, to replace at renewal, as required in 61-3-312 and 61-3-314, number plates that were displayed on motor vehicles before that date.

(b) Beginning January 1, 2000, the department shall manufacture and issue new number plates every 4 years.

(4) In the case of motorcars and trucks, plates must be of metal 6 inches wide and 12 inches in length. The outline of the state of Montana must be used as a distinctive border on the license plates, and the word "Montana" and the year must be placed across the plates. Registration plates must be treated with a reflectorized background material according to specifications prescribed by the department.

(5) The distinctive registration numbers must begin with a number one or with a letter-number combination, such as "A 1" or "AA 1", or any other similar combination of letters and numbers. The distinctive registration number or letter-number combination assigned to the vehicle must appear on the plate preceded by the number of the county and appearing in horizontal order on the same horizontal baseline. The county number must be separated from the distinctive registration number by a separation mark unless a letter-number combination is used. The dimensions of the numerals and letters must be determined by the department, and all county and registration numbers must be of equal height.

(6) For the use of exempt motor vehicles and motor vehicles that are exempt from the registration fee as provided in 61-3-560(2)(a), in addition to the markings provided in this section, number plates must bear the following distinctive markings:

(a) For vehicles owned by the state, the department may designate the prefix number for the various state departments. All numbered plates issued to state departments must bear the words "State Owned", and a year number may not be indicated on the plates because these numbered plates are of a permanent nature and will be replaced by the department only when the physical condition of numbered plates requires it.

(b) For vehicles that are owned by the counties, municipalities, and special districts, as defined in 18-8-202, organized under the laws of Montana and not operating for profit, and that are used and

1 operated by officials and employees in the line of duty and for vehicles on loan from the United States
2 government or the state of Montana to, or owned by, the civil air patrol and used and operated by officials
3 and employees in the line of duty, there must be placed on the number plates assigned, in a position that
4 the department may designate, the letter "X" or the word "EXEMPT". Distinctive registration numbers for
5 plates assigned to motor vehicles of each of the counties in the state and those of the municipalities and
6 special districts that obtain plates within each county must begin with number one and be numbered
7 consecutively. Because these number plates are of a permanent nature, they are subject to replacement
8 by the department only when the physical condition of the number plates requires it and a year number
9 may not be displayed on the number plates.

10 (7) On all number plates assigned to motor vehicles of the truck and trailer type, other than
11 tax-exempt trucks and tax-exempt trailers, there must appear the letter "T" or the word "TRUCK" on
12 plates assigned to trucks and the letters "TR" or the word "TRAILER" on plates assigned to trailers and
13 housetrailer. The letters "MC" or the word "CYCLE" must appear on plates assigned to vehicles of the
14 motorcycle or quadricycle type.

15 (8) Number plates issued to a passenger car, truck, trailer, or vehicle of the motorcycle or
16 quadricycle type may be transferred only to a replacement passenger car, truck, trailer, or motorcycle- or
17 quadricycle-type vehicle. A registration or license fee may not be assessed upon a transfer of a number
18 plate under 61-3-317 and 61-3-335.

19 (9) For the purpose of this chapter, the several counties of the state are assigned numbers as
20 follows: Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4; Lewis and Clark, 5; Gallatin, 6; Flathead,
21 7; Fergus, 8; Powder River, 9; Carbon, 10; Phillips, 11; Hill, 12; Ravalli, 13; Custer, 14; Lake, 15;
22 Dawson, 16; Roosevelt, 17; Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big Horn, 22;
23 Musselshell, 23; Blaine, 24; Madison, 25; Pondera, 26; Richland, 27; Powell, 28; Rosebud, 29; Deer
24 Lodge, 30; Teton, 31; Stillwater, 32; Treasure, 33; Sheridan, 34; Sanders, 35; Judith Basin, 36; Daniels,
25 37; Glacier, 38; Fallon, 39; Sweet Grass, 40; McCone, 41; Carter, 42; Broadwater, 43; Wheatland, 44;
26 Prairie, 45; Granite, 46; Meagher, 47; Liberty, 48; Park, 49; Garfield, 50; Jefferson, 51; Wibaux, 52;
27 Golden Valley, 53; Mineral, 54; Petroleum, 55; Lincoln, 56. Any new counties must be assigned numbers
28 by the department as they may be formed, beginning with the number 57.

29 (10) Each type of special license plate approved by the legislature, except collegiate license plates
30 authorized in 61-3-463, must be a separate series of plates, numbered as provided in subsection (5),

except that the county number must be replaced by a nonremovable design or decal designating the group or organization to which the applicant belongs. Unless otherwise specifically stated in this section, the special plates are subject to the same rules and laws as govern the issuance of regular license plates, must be placed or mounted on a vehicle owned by the person who is eligible to receive them, and must be removed upon sale or other disposition of the vehicle. The special license plates must be issued to national guard members, former prisoners of war, persons with disabilities, reservists, disabled veterans, survivors of the Pearl Harbor attack, veterans of the armed services, national guard veterans, legion of valor members, or veterans of the armed services who were awarded the purple heart medal, who comply with the following provisions:

(a) (i) An active member of the Montana national guard may be issued special license plates with a design or decal displaying the letters "NG". The adjutant general shall issue to each active member of the Montana national guard a certificate authorizing the department to issue national guard plates, numbered in sets of two with a different number on each set, and the member shall surrender the plates to the department upon becoming ineligible to use them.

(ii) The department may issue national guard veteran plates, bearing a design or decal displaying the Montana national guard insignia and the words "National Guard veteran" and numbered in sets of two with a different number on each set, to an applicant who presents to the department a copy of certification of national guard retirement eligibility issued by the appropriate authorities for the applicant or the applicant's deceased spouse and who pays, in addition to all taxes and fees required by parts 3 and 5 of this chapter, a national guard veteran license plate fee of \$10. The additional fee must be distributed in accordance with the provisions of subsection (10)(f)(iii) and (10)(f)(iv).

(b) An active member of the reserve armed forces of the United States of America who is a resident of this state may be issued special license plates with a design or decal displaying the following: United States army reserve, AR (symbol); United States naval reserve, NR (anchor); United States air force reserve, AFR (symbol); and United States marine corps reserve, MCR (globe and anchor). The commanding officer of each armed forces reserve unit shall issue to each eligible member of the reserve unit a certificate authorizing the issuance of special license plates, numbered in sets of two with a different number on each set. The member shall surrender the plates to the department upon becoming ineligible to use them.

(c) (i) A resident of Montana who is a veteran of the armed forces of the United States and who

1 HAS BEEN AWARDED A PURPLE HEART OR WHO is 100% disabled because of an injury that has been determined
2 by the department of veterans affairs to be service-connected may, upon presentation to the department
3 of THE PURPLE HEART AWARD OR proof of the 100% disability, be issued:

4 (A) a special license plate under this section with THE PURPLE HEART DECAL OR a design or decal
5 displaying the letters "DV"; or

6 (B) one set of any other military-related plates that the VETERAN WHO HAS BEEN AWARDED THE PURPLE
7 HEART OR THE disabled veteran is eligible to receive under this section.

8 (ii) The fee for original or renewal registration by a 100% disabled veteran for a passenger vehicle
9 or a truck with a GVW-rated capacity of 1 ton or less is \$5 and is in lieu of all other fees and taxes for that
10 vehicle under this chapter irrespective of which set of military license plates the veteran is eligible to
11 receive and chooses to display under subsection (10)(c)(i).

12 (iii) THE FEE FOR ORIGINAL OR RENEWAL REGISTRATION FOR A PASSENGER VEHICLE OR A TRUCK WITH A
13 GVW-RATED CAPACITY OF 1 TON OR LESS BY A VETERAN WHO HAS BEEN AWARDED THE PURPLE HEART AND WHO MEETS
14 THE CRITERIA IN SUBSECTION (10)(C)(I) IS \$5 AND IS IN LIEU OF OTHER FEES AND TAXES FOR THAT VEHICLE UNDER THIS
15 CHAPTER, EXCEPT FOR THE \$10 FEE REQUIRED IN SUBSECTION (10)(F)(III), REGARDLESS OF WHICH SET OF MILITARY
16 LICENSE PLATES THE VETERAN IS ELIGIBLE TO RECEIVE AND CHOOSES TO DISPLAY UNDER SUBSECTION (10)(C)(I).

17 ~~(iii)~~(iv) Special license plates issued to a VETERAN WHO HAS BEEN AWARDED THE PURPLE HEART OR TO A
18 disabled veteran are not transferable to another person.

19 ~~(iv)~~(v) A disabled veteran is not entitled to a special disabled veteran's license plate for more than
20 one vehicle.

21 ~~(v)~~(vi) A vehicle that is lawfully displaying a disabled veteran's plate with a design or decal
22 displaying the letters "DV" and that is conveying a 100% disabled veteran is entitled to the parking
23 privileges allowed a person with a disability's vehicle under this title.

24 (d) A Montana resident who is a veteran of the armed forces of the United States and was
25 captured and held prisoner by a military force of a foreign nation, documented by the veteran's service
26 record, may upon application and presentation of proof be issued special license plates, numbered in sets
27 of two with a different number on each set, with a design or decal displaying the words "ex-prisoner of
28 war" or an abbreviation that the department considers appropriate.

29 (i) Fees required under 61-3-321(1) and (5) may not be assessed upon one set of license plates
30 issued to an ex-prisoner of war under this subsection (10)(d).

(ii) A special license plate fee may not be assessed upon one set of special license plates issued to an ex-prisoner of war under this subsection (10)(d).

(iii) An ex-prisoner of war is exempt from the light vehicle ~~taxes~~ registration fees imposed under ~~61-3-504~~ 61-3-560 through 61-3-562 for one vehicle that displays a set of ex-prisoner of war license plates.

(iv) A surviving spouse of an ex-prisoner of war may retain the special license plates that have been issued to the ex-prisoner of war if the spouse complies with the provisions of 61-3-457.

(e) Except as provided in subsections (10)(c) and (10)(d), upon payment of all taxes and fees required by parts 3 and 5 of this chapter and upon furnishing proof satisfactory to the department that the applicant meets the requirements of this subsection (10)(e), the department shall issue to a Montana resident who is a veteran of the armed services of the United States special license plates, numbered in sets of two with a different number on each set, designed to indicate that the applicant is a survivor of the Pearl Harbor attack if the applicant was a member of the United States armed forces on December 7, 1941, was on station on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m. (Hawaii time) at Pearl Harbor, the island of Oahu, or was offshore at a distance of not more than 3 miles, and received an honorable discharge from the United States armed forces. If special license plates issued under subsection (10)(d) and this subsection are lost, stolen, or mutilated, the recipient of the plates is entitled to replacement plates upon request and without charge.

(f) A motor vehicle owner and resident of this state who is a veteran or the surviving spouse of a veteran of the armed services of the United States may be issued license plates inscribed as provided in subsection (10)(f)(i) if the veteran was separated from the armed services under other than dishonorable circumstances or was awarded the purple heart medal:

(i) Upon submission of a department of defense form 214(DD-214) or its successor or documents showing an other-than-dishonorable discharge or a reenlistment, proper identification, and other relevant documents to show an applicant's qualification under this subsection, there must be issued to the applicant, in lieu of the regular license plates prescribed by law, special license plates numbered in sets of two with a different number on each set. The plates must display:

(A) the word "VETERAN" and a symbol signifying the United States army, United States navy, United States air force, United States marine corps, or United States coast guard, according to the record of service verified in the application; or

(B) a symbol representing the purple heart medal.

(ii) Plates must be furnished by the department to the county treasurer, who shall issue them to a qualified veteran or to the veteran's surviving spouse. The plates must be placed or mounted on the vehicle owned by the veteran or the veteran's surviving spouse designated in the application and must be removed upon sale or other disposition of the vehicle.

(iii) Except as provided in subsections (10)(c) and (10)(d), a veteran or surviving spouse who receives special license plates under this subsection (10)(f) is liable for payment of all taxes and fees required under parts 3 and 4 of this chapter and a special veteran's or purple heart medal license plate fee of \$10. Upon an original application for a license under this subsection (10)(f), the county treasurer shall:

(A) deposit \$3 of the special fee in the county general fund;

(B) remit \$1 for deposit in the state general fund; and

(C) deposit the remainder of the special fee in the state special revenue account established in 10-2-603 for administration, construction, operation, and maintenance of the state veterans' cemeteries.

(iv) Upon subsequent annual renewal of registration, the county treasurer shall deposit all of the special fee as provided in subsection (10)(f)(iii)(C).

(g) A Montana resident who is eligible to receive a special parking permit under 49-4-301 may, upon written application on a form prescribed by the department, be issued a special license plate with a design or decal bearing a representation of a wheelchair as the symbol of a person with a disability.

(h) The department may issue legion of valor license plates, bearing a design or decal depicting the recognized legion of valor medallion and numbered in sets of two with a different number on each set, to an applicant who presents to the department proper documentation of receipt of a legion of valor award by appropriate authorities to the applicant or the applicant's deceased spouse and who pays all taxes and fees required by parts 3 and 5 of this chapter.

(11) The provisions of this section do not apply to a motor vehicle, trailer, or semitrailer that is registered as part of a fleet, as defined in 61-3-712, and that is subject to the provisions of 61-3-711 through 61-3-733."

Section 2. Section 61-3-453, MCA, is amended to read:

"61-3-453. ~~Disabled veterans~~ VETERANS WHO HAVE BEEN AWARDED PURPLE HEART AND DISABLED VETERANS -- plates limited to one automobile or truck -- personalized plates. (1) A VETERAN WHO HAS BEEN

1 ~~AWARDED THE PURPLE HEART OR A~~ disabled veteran is not entitled to special license plates ~~for disabled~~
2 ~~veterans~~ under 61-3-332(10)(c)(i)(A) or 61-3-426(2) for more than one passenger automobile or one truck
3 up to and including 1 ton GVW-rated capacity.

4 (2) Upon submitting the application provided for in 61-3-405 and payment of the \$25 fee provided
5 for in 61-3-406, a VETERAN WHO HAS BEEN AWARDED THE PURPLE HEART OR A disabled veteran must receive
6 personalized ~~disabled veteran~~ license plates or one set of any other military-related plates that the disabled
7 veteran is entitled to under 61-3-332."

8 - END -